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PATENT

Customer No. 22,852

Attorney Docket No. 03626.0018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Lawrence G. ANDERSON et al.) Group Art Unit: 1773
Application No.: 09/629,422) Examiner: S. Resan
Filed: July 31, 2000)
For: DUAL CURE COATING)
COMPOSITIONS HAVING)
IMPROVED SCRATCH)
RESISTANCE, COATED)
SUBSTRATES AND METHODS)
RELATED THERETO)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

In response to the Office Action dated December 4, 2003, Applicants respectfully request reconsideration of the subject application in light of the following remarks. In the Office Action, the Office required that Applicants elect one of the following groups:

Group I - claims 1-41, 45, 59-64, 66, 73-78, 80, and 85-87, drawn to a composition;

Group II - claims 42-44, 65, and 79, drawn to a cured composition,

Group III - claims 49-53, 70, and 82, drawn to a coated automobile substrate,

Group IV - claims 54-56, 71, and 83, drawn to a multicompartment composite composition, and

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Group V - claims 46-48, 57, 58, 67-69, 72, 81, and 84, drawn to a method.

The Office further required the election of a single disclosed species of composition chosen from:

- A. A composition that requires at least one of the first or second materials to comprise a polysiloxane (Claims 1-41, 45, and 59-61),
- B. A composition that requires at least one of the first or second materials to comprise a vinyl group (Claims 62-64, 66, and 73-75), and
- C. A composition that requires at least one material comprising both a UV curable reactive group and a thermally curable reactive group (Claims 76-78, 80, and 85-87).

The restriction/election requirement is respectfully traversed. However, to be fully responsive, Applicants reaffirm, with traverse, the oral election of Group I (claims 1-41, 45, 59-64, 66, 73-78, 80, and 85-87) made during the interview of November 13, 2003. Further to the election of species requirement, Applicants elect a composition that requires at least one of the first or second materials to comprise a polysiloxane. Claims 1-41, 45 and 59-61 read on this elected species.

Applicants initially traverse the restriction/election of species requirements on the grounds that the Office has not shown that there would be a serious burden to examine the claims of Groups I-V and the species of A-C together. In particular, the claims in Groups II-V all depend, either directly or indirectly, from claims in Group I. For example, all the claims in Groups II-V recite one of the compositions recited in the claims of Group I. Thus, the search and examination of the subject matter, for example the

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composition, recited in Group I should encompass the search and examination of the subject matter in Groups II-V.

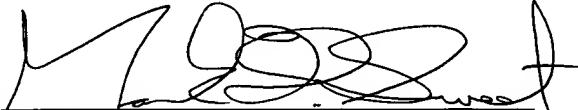
Additionally, Applicants respectfully request that all the claimed species continue to be examined in this application. If the Office chooses to maintain the election of species requirement, Applicants expect the Office, if the elected species are found allowable, to continue to examine the full scope of the elected subject matter to the extent necessary to determine the patentability thereof, i.e., extending the search to a reasonable number of the nonelected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Thus, in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office, the restriction and election of species requirement should be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 
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Dated: January 5, 2004

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